son v. *Harrelson*, 18 S. C. 604. It must be presumed in this case that the plaintiff, as soon as he had entered into the possession of the land, intending to rescind the contract by reason of the misrepresentations and hence a duty rested npon him to do his part to place the vendor in statu quo, as much as a similar duty rested upon the vendee.

WILLS—ATTESTING WITNESSES—KNOWLEDGE OF NATURE OF INSTRUMENT.—A will was claimed to be invalid by reason of insufficient execution, as the attesting witnesses were not aware that the instrument which they were signing was a will. *Held*, a sufficient attestation. *Re Claflin's Will* (1902), — Vt. —, 52 Atl. Rep. 1053, 58 L. R. A. 261.

In some states the statutes require that the testator shall inform the witnesses that the instrument which they are signing is his will. *Matter of Hunt*, 110 N. Y. 278; *In re Clark's Will*,—N. J. — 52 Atl. 222. In most states the statutes are like 29 Car. II. ch. 3, sec. 5, and the courts generally follow, the construction placed upon this by the English courts which is in line with the principal case. *Flood* v. *Pargoff*, 79 Ky. 617; *Dickie* v. *Carter*, 42 Ill. 376; *Turner* v. *Cook*, 36 Ind. 128. See also AM. & ENG. ENC. LAW, Vol. 29, p. 205; 1 REDFIELD ON WILLS, 220. The court in the principal case repudiates the doctrine advanced by Judge Redfield, that it is necessary for the witness to know that he is attesting a will, as the witness is charged with the duty of seeing that the testator is of sound mind before he consents to atte st the instrument.

WILLS—ELECTION FOR INSANE PERSONS.—Testator devised all his property to his wife, to be used for her care and maintenance during her life, and to descend to their daughter upon her death. In determining for the widow, who was insane, whether she would elect to take under the will or under the statute, the local court held that the value of the property which she would take would determine, and so elected that she should take her statutory interest. *Held*, that the value of the property alone should not determine, but rather what, under the circumstances of the case, was best for the widow, and that the court would elect for her to take under the provisions of the will. *In re Robinson's Estate* (1902),—Minn. —, 93 N. W. Rep. 314.

Election is a personal privilege, and must be exercised by the party entitled to it, and, if by reason of a disability, such as insanity, as in the principal case, a person is unable to exercise that privilege, it cannot be exercised either by the guardian (*Heavenridge* v. *Nelson*, 56 Ind. 90), or by next friend (*Crenshaw* v. *Carpenter*, 69 Ala. 572), or by the heirs or next of kin (*Crozier's Appeal*, 90 Pa. 384); but, where application is made, the court will make an election for the incompetent. The court follows *Van Steenwyck* v. *Washburn*, 59 Wis. 493, 17 N. W. Rep. 289, in holding that the value of the property alone should not control in making the election. In some states the guardian is permitted by statute to elect for the widow in a case like the one above. *Young* v. *Bordman*, 97 Mo. 181, 10 S. W. Rep. 48; Code of North Carolina (1883), sec. 2108.